

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO
EASTERN DIVISION**

GARY E. DANIELS, SR.,)	CASE NO. 1:22 CV 1373
)	
Plaintiff,)	
)	
v.)	JUDGE DONALD C. NUGENT
)	
)	Magistrate Judge Thomas M. Parker
)	
CORECIVIC, INC., et al.,)	<u>MEMORANDUM OPINION</u>
)	
Defendants.)	

On December 27, 2023, Magistrate Judge Thomas M. Parker issued a Report and Recommendation in the above-captioned matter (Docket #36), recommending that the Court grant the Motion to Dismiss All Claims Against Defendant Annette Chambers-Smith With Prejudice (Docket #35) filed by Plaintiff, Gary E. Daniels, Sr., and deny Ms. Chambers-Smith's Motion to Dismiss (Docket #33) as moot.

No objections were filed to the Report and Recommendation.

Standard of Review for a Magistrate Judge's Report and Recommendation

The applicable district court standard of review for a magistrate judge's report and recommendation depends upon whether objections were made to the report. When objections are made to a report and recommendation of a magistrate judge, the district court reviews the case *de novo*. FED. R. CIV. P. 72(b) provides:

The district judge must determine de novo any part of the magistrate judge's disposition that has been properly objected to. The district judge may accept, reject, or modify the recommended disposition; receive further evidence; or return the matter to the magistrate judge with instructions.

Conclusion

The Court has reviewed the Magistrate Judge's Report and Recommendation *de novo*. The Report and Recommendation issued by Magistrate Judge Parker (Docket #36) is hereby ADOPTED in its entirety.


Magistrate Judge Parker carefully reviewed the facts as alleged in the Amended Complaint and the Motions filed by the Parties, correctly determining that, pursuant to Fed. R. Civ. P. 21, dismissal of Mr. Daniels' claims against Ms. Chambers-Smith, with prejudice, is appropriate. The Amended Complaint does not allege any facts which demonstrate Ms. Chambers-Smith had any personal involvement in this matter; Ms. Chambers-Smith has moved to have the claims asserted against her dismissed; none of the remaining Defendants have responded to or opposed Mr. Daniels' Rule 21 Motion; and, there is no indication that dismissing Mr. Daniels' claims against Ms. Chambers-Smith would prejudice the remaining Defendants.

The Motion to Dismiss All Claims Against Defendant Annette Chambers-Smith With Prejudice (Docket #35), filed by Plaintiff, Gary E. Daniels, Sr., is hereby GRANTED.

Mr. Daniels' claims against Ms. Chambers-Smith are DISMISSED WITH PREJUDICE

The Motion to Dismiss (Docket #33) filed by Ms. Chambers-Smith is hereby DENIED AS MOOT.

IT IS SO ORDERED.


DONALD C. NUGENT
United States District Judge

DATED: January 18, 2023